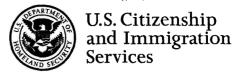
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U.S. Department of Homeland Security U.S. Citizenship and Immigration Services Office of Administrative Appeals MS 2090 Washington, DC 20529-2090



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FILE: SRC 07 217 51048

IN RE: Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced

Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration

Office: TEXAS SERVICE CENTER Date: JAN 1 2 2010

and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Ferry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will reject the appeal.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a research scientist at Washington University in St. Louis, Missouri. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

As defined by the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 103.3(a)(1)(iii)(B), "affected party" (in addition to USCIS) means the person or entity with legal standing in a proceeding. It does not include the beneficiary of a visa petition. An affected party may be represented by an attorney or representative in accordance with part 292 of this chapter.

8 C.F.R. § 1.1(f) defines the term "attorney" as any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law.

The petitioner in this proceeding claims to be represented by

The Form G-28, Notice of Entry of Appearance as Attorney or Representative, in the record indicates that is a member in good standing of the New York State Bar. The petitioner did not sign his own Form I-290B Notice of Appeal. Rather, Part 4 of the form, "Signature of Person Filing The Appeal/Motion or His or Her Authorized Representative," shows the signed and printed name of "

8 C.F.R. § 292.4(a) permits USCIS to request further proof of a claimed attorney's authority to act in a representative capacity. In keeping with this regulation, on April 1, 2009, the AAO wrote to at the address stated above. The AAO requested, along with other information, the individual's full name and current documentation to establish his good standing as an attorney.

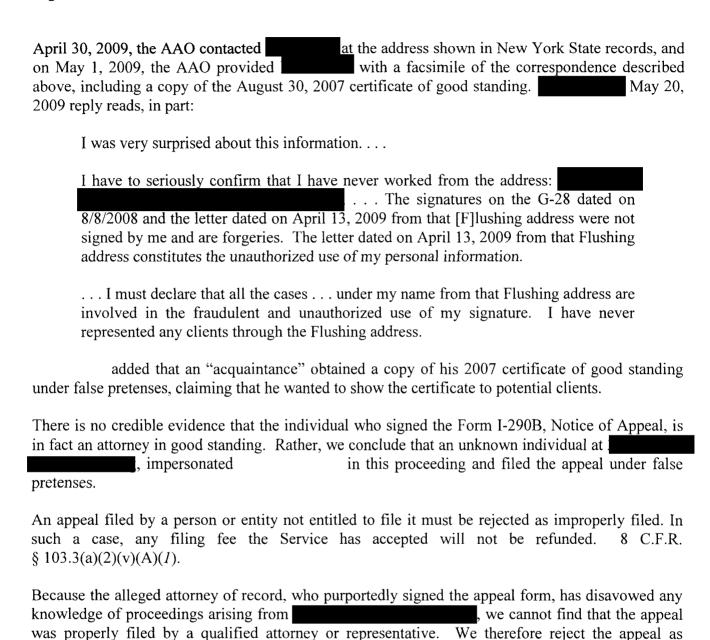
The response, dated April 13, 2009, indicated that the individual's full name is

The response included a photocopied certificate of good standing, dated August 30, 2007, issued by judicial authorities in New York.

A search of the New York State Unified Court System's Attorney Directory showed an address for that did not match the Flushing address provided in the record. On

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¹ A searchable version of the directory is available online at http://iapps.courts.state.ny.us/attorney/AttorneySearch



ORDER: The appeal is rejected.

improperly filed.